

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

DAVID WATSON SCOTT,

Petitioner,

v.

Case No: 8:19-cv-1642-T-30CPT

ANDREW M. SAUL,  
Commissioner of Social Security,

Defendant.

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**ORDER**

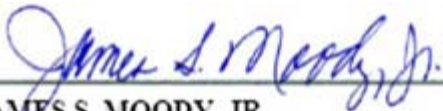
**THIS CAUSE** came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Christopher P. Tuite (Dkt. 22) and Plaintiff's Objections to the Report and Recommendation (Dkt. 23).

After careful consideration of the Report and Recommendation of the Magistrate Judge and Plaintiff's Objections, in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects. Specifically, the Court agrees with the Magistrate Judge that Plaintiff fails to establish the requirements for mandamus jurisdiction, which is an "extraordinary relief." The remedy of mandamus is not a substitute for an appeal. The administrative process, although perhaps not progressing at the pace Scott desires, is nonetheless moving forward.

**ACCORDINGLY**, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 22) of the Magistrate Judge is adopted, confirmed, and approved in all respects, and is made a part of this order for all purposes, including appellate review.
2. Defendant's Motion to Dismiss Plaintiff's Petition for Writ of Mandamus (Dkt. 16) is granted.
3. This action is hereby dismissed without prejudice for lack of subject matter jurisdiction.
4. The Clerk shall terminate any pending motions and close this case.

**DONE** and **ORDERED** in Tampa, Florida, this 18th day of June, 2020.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

**Copies Furnished To:**  
Counsel/Parties of Record